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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,205	01/23/2004	Atul Mukker	03-2586	8069

EXAMINER	
SAEED, USMAAN	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,205

Applicant(s)

MUKKER, ATUL

Examiner

Usmaan Saeed

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Receipt of Applicant's Amendment, filed 10/16/2007 is acknowledged. Claims 2-3, 8, 13-14, 17, 19-20 and 22 have been amended. Claims 1-8 and 12-22 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by USP, 5,778,387, Wilkerson et al. ('WILKERSON' hereinafter).

With respect to claim 1,

WILKERSON teaches method in a data-processing system for recovering data (see Fig. 3, WILKERSON), comprising:

identifying desired data from a command line interface displayable (Fig. 55, Wilkerson) within a display area of a data-processing system (see col. 11, lines 34-41, Wilkerson);

automatically saving said desired data in a memory location of said data-processing system, in response to identifying said desired data from said command line interface (see col. 12, lines 16-24, Figs. 3-8 Wilkerson); and

automatically recovering said data from said memory location of said data-processing system for display within said command line interface, if said desired data is inadvertently deleted from a command line of said command line interface (see col. 19, lines 50-56, Fig. 32, Claim 1, Wilkerson).

Claims 12 and 18 have the same subject matter as of claim 1 and are essentially rejected for the same reasons as discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8, 13-17, and 19-22 rejected under 35 U.S.C. 103(a) as being unpatentable over USP, 5,778,387, Wilkerson et al. as applied to above claims in view of USP 6,615,224, Lewis B. Davis ('Davis' hereinafter).

As to claim 2,

WILKERSON teaches displaying said data within said command line interface, in response to automatically recovering said data from said memory location of said data-processing system (see col. 12, lines 16-24, Figs. 3-8 Wilkerson).

indicating within said command line interface deletion if said desired data in response to said desired data being inadvertently deleted using said command line interface (see col. 19, lines 50-56, Fig. 32, Claim 1, Wilkerson).

WILKERSON teaches the elements of claim 2 as noted above but does not explicitly teaches "displaying an original file of said desired data within said command line interface, displaying an original file location of said desired data with said command line interface."

However, Davis teaches displaying an original file of said desired data within said command line interface and displaying an original file location of said desired data with said command line interface as FIG. 6 illustrates a particular example of the directory block 450 with its records for various files and their inode pointers. The particular file 430 is recorded in its directory block 450 at the location 604 in FIG. 6. The inode pointer 608 in the file record 604 is displayed in the first field 616 of the directory block (see Abstract and Col 6, lines 32-37, Davis).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Davis's** teaching would have allowed **Wilkerson** to provide a method of file protection on UNIX platforms during file deletion processes, whereby no system performance is sacrificed and to enhance UNIX operating system performance, because final destruction of the oldest deleted files is done in large batches.

As to claim 3,

WILKERSON teaches the step of utilizing said command line interface to interact with an operating system associated with said data-processing system (see col. 12, lines 16-24, Figs. 3-8 Wilkerson).

WILKERSON teaches the elements of claim 3 as noted above but does not explicitly teaches "displaying with the same window of said command line interface said original file, said original file location, said indication of deletion of said desired data, and said recovered data."

However, Davis discloses displaying with the same window of said command line interface said original file, said original file location, said indication of deletion of said desired data, and said recovered data as (see Figure 6 Davis).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Davis's** teaching would have allowed **Wilkerson** to provide a method of file protection on UNIX platforms during file deletion processes, whereby no system performance is sacrificed and to enhance UNIX operating system performance, because final destruction of the oldest deleted files is done in large batches.

As to claim 4-6,

WILKERSON does not explicitly teaches "wherein said operating system comprises a Linux based operating system, Unix based operating system and Windows-based operating system."

However, Davis discloses wherein said operating system comprises a Linux based operating system, Unix based operating system and Windows-based operating system as (see Col 5, Lines 66-67, Col 6, Lines 1-10 and Col 2, Lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Davis's** teaching would have allowed **Wilkerson** to provide a method of file protection on UNIX platforms during file deletion processes, whereby no system performance is sacrificed and to enhance UNIX operating system performance, because final destruction of the oldest deleted files is done in large batches.

As to claim 7,

WILKERSON teaches the steps of: permitting a user to specify a plurality of rules for recycling said data; recycling said data, in response to user input (see col. 24, lines 30-40, Fig. 45 Wilkerson).

As to claim 8,

WILKERSON teaches the step of prompting said user to specify said plurality of rules for recycling said data through a display of a graphical user interface dialog (see col. 19, lines 10-25, Wilkerson).

WILKERSON teaches the elements of claim 8 as noted above but does not explicitly teaches "specifying the minimum size of said data to be recycled and/or specifying special files/empty directories not to be recycled."

However, Davis discloses specifying the minimum size of said data to be recycled and/or specifying special files/empty directories not to be recycled as (see Col 4, Lines 18-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Davis's** teaching would have allowed **Wilkerson** to provide a method of file protection on UNIX platforms during file deletion processes, whereby no system performance is sacrificed and to enhance UNIX operating system performance, because final destruction of the oldest deleted files is done in large batches.

Claims 13-17 and 19-22 have the same subject matter as of claims 2-8 and essentially rejected for the same reasons as discussed above.

Response to Arguments

Applicant's arguments filed 10/16/2007 have been fully considered but they are not persuasive.

Regarding claim 1 applicant argues that Wilkerson does not disclose "automatically recovering said data from said memory location of said data-processing system for display within said command line interface, if said desired data is inadvertently deleted from a command line of said command line interface."

In response to the preceding arguments examiner respectfully submits that Wilkerson teaches "automatically recovering said data from said memory location of said data-processing system for display within said command line interface, if said desired data is inadvertently deleted from a command line of said command line interface" as the IC Delete routine, illustrated in FIG. 32 at step 744, has a secondary panel to protect against accidental deletion. After the initial panel is displayed 746, there is a determination if there are panel errors or an exit request from the user 748. If either occurs, the routine exits to step 144 of FIG. 12 (step 750). If neither occur, the process displays another panel 752, requiring the user to confirm the deletion (see col. 19, lines 50-56, Fig. 32, Claim 1, Wilkerson).

Wilkerson further teaches a method for automatically recovering data from a database comprises researching an identified database and an identified time stamp to provide subsystem information needed for the recovery of a database. The method includes automatically creating initial program control language sequences to locate an image copy of database information that is stored in a database recovery repository. The database information is held in a time log format. The method includes recovering database information by using the located image copy stored in the database recovery repository and automatically formulating a sequence of job control language for automatically recovering the identified database information stored prior to the time of the identified time stamp (see Col. 3, Lines 11-24).

These lines teach that the panels on the interface have a recovery routine which creates program control language sequences automatically for recovering data from

memory location/database recovery repository which has been deleted/lost/corrupted by accident.

Applicant's arguments with respect to claims 2-8, 13-17, and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usmaan Saeed whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Usmaan Saeed
Patent Examiner
Art Unit: 2166



Hosain Alam
Supervisory Patent Examiner

US
January 15, 2008